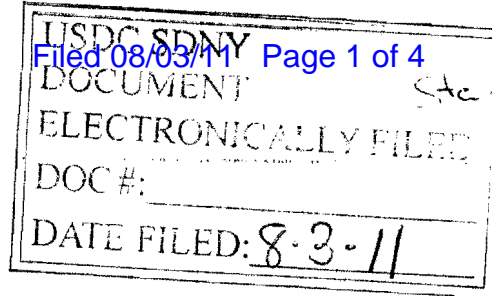


ORIGINAL



UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

904 TOWER APARTMENT LLC and MADISON
APARTMENT 905 LLC,

Plaintiffs,

v.

THE MARK HOTEL LLC, MARK HOTEL
SPONSOR LLC, THE MARK HOTEL OWNERS
CORP., ALEXICO GROUP, LTD., 205 EAST 45
LLC, SIMON ELIAS, IZAK SENBAHAR, and
JOHN DOES 1-10

Defendants.

Case No. 10 cv 9701 (LLS)

**NOTICE OF SUBSTITUTION OF
COUNSEL AND [PROPOSED]
ORDER**

TO THE CLERK OF COURT AND ALL COUNSEL AND PARTIES OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs 904 Tower Apartment LLC and Madison
Apartment 905 LLC hereby substitute Phillips Nizer LLP, 666 Fifth Avenue, New York, NY
10103, Telephone (212) 841-0791 as its attorney of record in place of Tannenbaum Helpert
Syracuse & Hirschtritt LLP, 900 Third Avenue, New York, NY 10022, Telephone: (415) 391-
5400. All notices given or required to be given, and all papers to be filed or served or required to
be served in the above captioned matter shall henceforth be provided to and served upon counsel
at the address set forth below:

PHILLIPS NIZER LLP
666 Fifth Avenue
New York, NY 10103
Telephone: (212) 977-9700
Facsimile: (212) 262-5152

David A. Pellegrino
dpellegrino@phillipsnizer.com

Carl D. LeSueur
clesueur@phillipsnizer.com

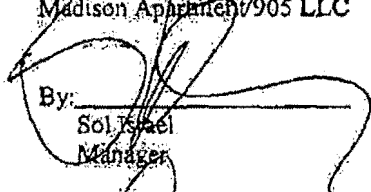
We the undersigned consent to the above substitution of counsel.

Dated: New York, New York
July 27, 2011


904 Tower Apartment LLC

By: 
Sol Israel
Manager

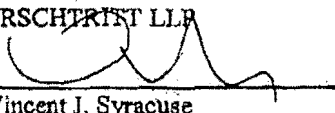
Madison Apartment 905 LLC

By: 
Sol Israel
Manager

PHILLIPS NIZER LLP

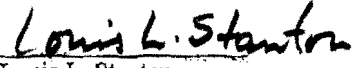
By: 
David A. Pellegrino
666 Fifth Avenue
New York, NY 10103
Incoming Attorneys for Plaintiffs

TANNENBAUM HELPERN SYRACUSE
& HIRSCHTIST LLP

By: 
Vincent J. Syracuse
900 Third Avenue
New York, NY 10022

IT IS SO ORDERED

Dated: August 2, 2011


Hon. Louis L. Stanton
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

----- X
904 TOWER APARTMENT LLC and MADISON :
APARTMENT 905 LLC, :
:

Plaintiffs, :

Case No. 10 cv 9701 (LLS)

v. :

THE MARK HOTEL LLC, MARK HOTEL :
SPONSOR LLC, THE MARK HOTEL OWNERS :
CORP., ALEXICO GROUP, LTD., 205 EAST 45 :
LLC, SIMON ELIAS, IZAK SENBAHAR, and :
JOHN DOES 1-10 :

**DECLARATION OF DAVID A.
PELLEGRINO IN SUPPORT OF
NOTICE OF SUBSTITUTION OF
COUNSEL**

Defendants. :
----- X

David A. Pellegrino, pursuant to 28 U.S.C. § 1746(2), under penalty of perjury, hereby
declares as follows:

1. I am a member of the law firm of Phillips Nizer LLP, with its offices located at 666
Fifth Avenue, New York, NY 10103 and, until recently, a member of Tannenbaum Helpern
Syracuse & Hirschtritt LLP, the law firm which is now being substituted out as counsel for the
plaintiff. I am a member in good standing of the Bar of the State of New York, and am admitted
to practice before this Court.

***Substitution of Phillips Nizer LLP for Tannenbaum Helpern Syracuse & Hirschtritt
LLP***

2. Under Local Civil Rule 1.4 of the Local Rules of the United States District Court for
the Southern District of New York, I respectfully submit this declaration in support of the
substitution of Phillips Nizer LLP for Tannenbaum Helpern Syracuse & Hirschtritt LLP

("Tannenbaum") as counsel and attorneys of record for Plaintiffs 904 Tower Apartment LLC and Madison Apartment 905 LLC (together, "Plaintiffs") in the above-captioned matter.

3. The substitution is on consent. Plaintiffs wish to substitute Phillips Nizer LLP for Tannenbaum. Together with this Declaration, I submit a Notice of Substitution and Proposed Order that has been signed by Vincent J. Syracuse, a member of Tannenbaum, and by Sol Israel, Manager of Plaintiffs.

Posture of the Case

4. The Complaint in this action was filed on December 30, 2010. The Second Amended Complaint was filed on March 3, 2011. The Defendants' motion to dismiss was filed on February 25, 2011. The Plaintiffs' papers in opposition to the motion to dismiss were filed on May 13, 2011, and the Defendants' reply papers were filed on June 10, 2011. A date for oral argument on the motion to dismiss has not yet been set.

5. In light of the fact that this matter is still at an early stage and because I was previously involved with this matter while at Tannenbaum, I do not believe that the proposed substitution will cause any undue delay or in any way prejudice the defendant in this matter.

6. I submit herewith the Notice of Substitution of Counsel and [Proposed] Order substituting Phillips Nizer LLP in the place and stead of Tannenbaum as counsel and attorneys of record in the above-captioned matter.

7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 2, 2011

/s/David A. Pellegrino
David A. Pellegrino, Esq.